

United States District Court  
for the  
Southern District of New York  
Related Case Statement

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Full Caption of Later Filed Case:

KNIGHT FIRST AMENDMENT INSTITUTE AT  
COLUMBIA UNIVERSITY; MEGAN ACKERMAN;  
ELLEN BRODSKY; DARRAGH BURGESS; DONALD  
MOYNIHAN; and ELIZABETH WEST

Plaintiff

Case Number

vs.

DONALD J. TRUMP, President of the  
United States; and DANIEL SCAVINO,  
Assistant to the President and Deputy  
Chief of Staff for Communications

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

KNIGHT FIRST AMENDMENT INSTITUTE AT  
COLUMBIA UNIVERSITY; REBECCA BUCKWALTER;  
PHILIP COHEN; HOLLY FIGUEROA; EUGENE GU;  
BRANDON NEELY; JOSEPH PAPP; and NICHOLAS  
PAPPAS

Plaintiff

Case Number

vs.

1:17-cv-05205

DONALD J. TRUMP, President of the  
United States; and DANIEL SCAVINO,  
White House Director of Social Media  
and Assistant to the President

Defendant

## Status of Earlier Filed Case:



Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)



Open

(If so, set forth procedural status and summarize any court rulings.)

On July 11, 2017, Plaintiffs filed the earlier complaint, and on May 23, 2018, this Court ruled in favor of Plaintiffs. On July 9, 2019, the Second Circuit Court of Appeals affirmed this Court's ruling. On March 23, 2020, the Second Circuit denied Defendants' petition for rehearing en banc. The government may petition for certiorari before the Supreme Court until August 20, 2020.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

The newly filed case meets the criteria for relatedness to the earlier filed case described in Local Rule for the Division of Business 13. First, the actions concern many of the same parties. The newly filed case involves the same defendants, Donald Trump and Daniel Scavino, and one of the same plaintiffs, the Knight First Amendment Institute at Columbia University. Second, there is substantial factual overlap. Both cases arise from the same action at issue in the prior case: the blocking of Twitter users from President Trump's @realDonaldTrump Twitter account. Both cases challenge the constitutionality of blocking users from the public forum of the @realDonaldTrump account. The individual plaintiffs in the newly filed case have been similarly excluded from the public forum based on viewpoint, just like the individual plaintiffs in the earlier filed case. Likewise, Plaintiff the Knight Institute's right to hear is implicated in both cases. As such, there is substantial factual overlap in the two cases. Third, the parties could be subjected to conflicting orders, given the substantial legal overlap in the two cases. Fourth, absent a determination of relatedness, there would be a substantial duplication of effort and delay on the Court and parties. Many of the factual and legal issues relevant to the newly filed case were established in the earlier filed case, and there is no need to duplicate that effort. Finally, because the earlier filed case is still on appeal (as the time for filing a petition for certiorari before the Supreme Court has not yet expired), the earlier filed case qualifies under Local Rule for the Division of Business 13 as a pending case.

Signature: \_\_\_\_\_



July 31, 2020

Date: \_\_\_\_\_

Firm: \_\_\_\_\_

Knight First Amendment Institute